

**DEPARTMENT OF AGRICULTURE****Animal and Plant Health Inspection Service**

[Docket No. APHIS–2008–0119]

**Implementation of Revised Lacey Act Provisions****AGENCY:** Animal and Plant Health Inspection Service, USDA.**ACTION:** Notice.

**SUMMARY:** The Food, Conservation, and Energy Act of 2008 amended the Lacey Act to provide, among other things, that importers submit a declaration at the time of importation for certain plants and plant products. Enforcement of the declaration requirement began on April 1, 2009, and products requiring a declaration are being phased-in. The purpose of this notice is to inform the public of another phase of the Federal Government's enforcement schedule.

**DATES:** We will consider all comments that we receive on or before June 1, 2020.

**ADDRESSES:** You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov/#!docketDetail;D=APHIS-2008-0119>.

- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2008–0119, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at <http://www.regulations.gov/#!docketDetail;D=APHIS-2008-0119> or in our reading room, which is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW, Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

**FOR FURTHER INFORMATION CONTACT:** Ms. Dorothy Wayson, National Policy Manager, Lacey Act Program, Compliance and Environmental Coordination Branch, PPQ, APHIS, 4700 River Road Unit 150, Riverdale, MD 20737; (301) 851–2036.

**SUPPLEMENTARY INFORMATION:****Background**

The Lacey Act (16 U.S.C. 3371 *et seq.*), first enacted in 1900 and significantly amended in 1981, is the United States' oldest wildlife protection statute. The Act combats trafficking in

illegally taken wildlife, fish, or plants. The Food, Conservation and Energy Act of 2008, effective May 22, 2008, amended the Lacey Act by expanding its protection to a broader range of plants and plant products (Section 8204, Prevention of Illegal Logging Practices). The Lacey Act now makes it unlawful to import, export, transport, sell, receive, acquire, or purchase in interstate or foreign commerce any plant, with some limited exceptions, taken, possessed, transported, or sold in violation of any law of the United States or an Indian tribe, or in violation of any State or foreign law that protects plants or that regulates certain specified plant-related activities. The Lacey Act also now makes it unlawful to make or submit any false record, account, or label for, or any false identification of, any plant.

In addition, Section 3 of the Lacey Act, as amended, makes it unlawful, beginning December 15, 2008, to import certain plants, including plant products, without an import declaration. The declaration must contain the scientific name of the plant, value of the importation, quantity of the plant, and name of the country from which the plant was harvested. For paper and paperboard products containing recycled content, the declaration also must include the average percent of recycled content without regard for species or country of harvest. The plant import declaration requirement does not apply to plants used exclusively as packaging material to support, protect, or carry another item, unless the packaging material itself is the item being imported. Currently, enforcement of the declaration requirement is being phased in, as described in three notices we published in the **Federal Register**,<sup>1</sup> the first on February 3, 2009 (74 FR 5911–5913, Docket No. APHIS–2008–0119), the second on September 2, 2009 (74 FR 45415–45418, Docket No. APHIS–2008–0119), and the third on February 6, 2015 (80 FR 6681–6683, Docket No. APHIS–2008–0119).

In our February 2009 notice, we committed to providing affected individuals and industry with at least 6 months' notice for any products that would be added to the phase-in schedule. The phased-in enforcement schedule began April 1, 2009. The most recent phase (V) began on August 6, 2015. The enforcement schedule is available on the Animal and Plant Health Inspection Service (APHIS) website at <http://www.aphis.usda.gov/>

<sup>1</sup>To view these notices and the comments we received, go to <http://www.regulations.gov/#!docketDetail;D=APHIS-2008-0119>.

*plant\_health/lacey\_act/*. We continue to consider the applicability of the declaration requirement to products not included in the current phase-in schedule and we invite public comment on how the declaration requirement should be enforced as to these products.

Phase VI of the enforcement schedule, which would begin on October 1, 2020, is described below. We invite public comment on the products covered under this phase of the plan, as well as on whether any additional Harmonized Tariff Schedule (HTS) chapters should be included in the current phase-in schedule. Should there be additions to phase VI, we intend to provide at least 6 months' notice to persons and industries affected by those changes to facilitate compliance with the new requirements. Changes will be announced in the **Federal Register**.

*Ch. 33 Headings (Essential Oils)*

- 3301295109-essential oils of cedarwood
- 3301295121-essential oils of linaloe or bois de rose
- 3301295139-essential oils of sandalwood
- 3301295150-essential oils of "other"

*Ch. 42 Headings (Trunks, Cases, Suitcases)*

- 4202292000-trunks, cases, and suitcases of wood
- 4202992000-other, of wood, not lined
- 4202993000-other, of wood, lined

*Ch. 44 Headings (Wood and Articles of Wood)*

- 441012-oriented strand board (OSB)
- 4415-cases, boxes, crates, drums, containers, pallets, box-pallets, etc.

*Ch. 92 Headings (Musical Instruments)*

- 9205902000-wind musical instruments: bagpipes
- 9205904020-clarinets
- 9205904080-other (woodwind instruments)
- 9205904060-flutes and piccolos
- 9206002000-drums
- 9207900040-musical instruments (fretted string instruments)
- 9209.92-parts and accessories for musical instruments of heading 9202
- 9209928000-parts and accessories for musical instruments
- 9209992000-parts and accessories for bagpipes
- 9209994040-parts and accessories for other woodwind instruments
- 9209998000-parts and accessories for musical instruments of heading 9202, other

*Ch. 96 Headings (Miscellaneous  
Manufactured Articles)*

- 9620005500-monopods, bipods, tripods and similar articles of wood  
Additional Information

APHIS will continue to provide the latest information regarding the Lacey Act on our website, [http://www.aphis.usda.gov/plant\\_health/lacey\\_act/](http://www.aphis.usda.gov/plant_health/lacey_act/). The website currently contains the Lacey Act, as amended; a slideshow covering background and context, requirements, commodities and products covered, information on prohibitions, and the current status of implementation of the declaration requirement of the Lacey Act; frequently asked questions; the phase-in implementation plan; a link to the Lacey Act Web Governance System (LAWGS); and the paper declaration form. The website will be updated as new materials become available. We encourage persons interested in receiving timely updates on APHIS' Lacey Act efforts to register for our stakeholder registry at <https://public.govdelivery.com/accounts/USDAAPHIS/subscriber/new/> and select "Lacey Act Declaration" as a topic of interest.

Paperwork Reduction Act

This notice contains no new information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). The information collection activities included in this notice are approved by the Office of Management and Budget under control number 0579-0349.

E-Government Act Compliance

The Animal and Plant Health Inspection Service is committed to compliance with the E-Government Act to promote the use of the internet and other information technologies, to provide increased opportunities for citizen access to Government information and services, and for other purposes. For information pertinent to E-Government Act compliance related to this notice, please contact Mr. Joseph Moxey, APHIS' Information Collection Coordinator, at (301) 851-2483.

Done in Washington, DC, this 26th day of March 2020.

**Mark Davidson,**

*Acting Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 2020-06695 Filed 3-30-20; 8:45 am]

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**DEPARTMENT OF AGRICULTURE**

**Animal and Plant Health Inspection Service**

[Docket No. APHIS-2019-0049]

**Import Requirements for the Importation of Fresh Blueberries From Chile Into the United States**

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Notice.

**SUMMARY:** We are advising the public that we have prepared a commodity import evaluation document (CIED) relative to the importation into the United States of blueberries from Chile. Currently, blueberries from Chile imported into the United States from an area in which European grapevine moth is known to exist must be fumigated with methyl bromide. Based on the findings of the CIED, we are proposing to also allow the importation of such blueberries under the provisions of a systems approach. We are making the CIED available to the public for review and comment.

**DATES:** We will consider all comments that we receive on or before June 1, 2020.

**ADDRESSES:** You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov/#!docketDetail;D=APHIS-2019-0049>.

- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS-2019-0049, Regulatory Analysis and Development, PPD, APHIS, Station 3A-03.8, 4700 River Road Unit 118, Riverdale, MD 20737-1238.

Supporting documents and any comments we receive on this docket may be viewed at <http://www.regulations.gov/#!docketDetail;D=APHIS-2019-0049> or in our reading room, which is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW, Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799-7039 before coming.

**FOR FURTHER INFORMATION CONTACT:** Mr. Tony Roman, Senior Regulatory Policy Specialist, RCC, IRM, PHP, PPQ, APHIS, 4700 River Road Unit 133, Riverdale, MD 20737-1236; (301) 851-2242.

**SUPPLEMENTARY INFORMATION:**

**Background**

Under the regulations in "Subpart L—Fruits and Vegetables" (7 CFR 319.56–

1 through 319.56–12, referred to below as the regulations), the Animal and Plant Health Inspection Service (APHIS) prohibits or restricts the importation of fruits and vegetables into the United States from certain parts of the world to prevent plant pests from being introduced into or disseminated within the United States.

Section 319.56–4 of the regulations provides the requirements for authorizing the importation of fruits and vegetables into the United States, as well as revising existing requirements for the importation of fruits and vegetables. Paragraph (c) of that section provides that the name and origin of all fruits and vegetables authorized importation into the United States, as well as the requirements for their importation, are listed on the internet in APHIS' Fruits and Vegetables Import Requirements database, or FAVIR (<https://epermits.aphis.usda.gov/manual>). It also provides that, if the Administrator of APHIS determines that any of the phytosanitary measures required for the importation of a particular fruit or vegetable are no longer necessary to reasonably mitigate the plant pest risk posed by the fruit or vegetable, APHIS will publish a notice in the **Federal Register** making its pest risk documentation and determination available for public comment.

Currently, blueberries from Chile are listed in FAVIR as a fruit authorized importation into the United States. Blueberries from a region of Chile in which European grapevine moth (*Lobesia botrana*, EGVM) is known to exist (Regions VI, VII, VIII, or XVI) must be fumigated with methyl bromide.

The national plant protection organization (NPPO) of Chile stated that areas of low pest prevalence for EGVM exist in Regions VIII and XVI of Chile, and asked that we evaluate whether blueberries from these two regions could be authorized importation into the United States under a systems approach in lieu of fumigation with methyl bromide. In response to this request, we have prepared a commodity import evaluation document (CIED). The CIED determined that a systems approach consisting of the following measures reasonably mitigates the plant pest risk associated with blueberries from Regions VIII and XVI:

- The NPPO of Chile would have to enter into an operational workplan with APHIS that details the activities and responsibilities that the NPPO would carry out in order to meet the requirements of the systems approach. APHIS would have to approve the workplan prior to implementation of the systems approach.